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REMARKS

I. Status of Application

Claims 1 through 35 are pending in the instant application and stand rejected under 35 USC §103(a) for being directed to subject matter assertedly rendered obvious by the disclosure of United States Patent No. 6,537,755 patent (the '755 patent). Applicants respectfully traverse the rejection.

II. Rejection Should be Withdrawn because both the Instant Application and the Cited Art were Under a Common Ownership at the Time the Instant Application was Filed

Claims 1 through 35 were rejected under 35 USC §103(a) for being directed to subject matter assertedly rendered obvious by the disclosure of the '755 patent. In the previous response, the Applicants asserted that the '755 patent does not qualify as prior art to the present invention because the subject matter of the '755 claims and the presently rejected claims were commonly owned by Callida, or under obligation to be assigned to this common owner, at the time the subject matter of the rejected claims was made. The Examiner refuted this argument, inviting Applicants to review the assignment showing that at the time of the filing of the '755 patent was owned by Hyseq, Inc. While this assertion by the Examiner is correct with respect to '755, it is also true for the instant application and the Applicants provide the following remarks to further clarify that the instant application and the '755 patent were indeed commonly owned.

Callida is a corporate entity that was formed as a joint venture between Affymetrix Inc. and Hyseq, Inc. Callida was incorporated on October 24, 2001. The instant application was filed January 6, 2000, and claimed the benefit of priority of U.S. Provisional Application 60/115,284, which was filed January 6, 1999. The filing date of the instant

application was prior to the date of incorporation of Callida. At the time of that filing date, the inventors of the present application were under an obligation to assign the application to Hyseq, Inc. As further evidence, attached hereto is a copy of the original assignment that was recorded at reel/frame No.010716/0409, which shows that the original assignment was in favor of Hyseq, Inc. Subsequently, Hyseq Inc assigned its interest in this application to Callida Inc. (see attached recordation document dated March 5, 2002).

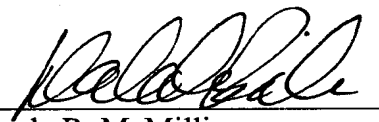
The above facts establish that as of the filing date of this application, it was under common ownership with the '755 patent. As such, Applicants submit that the rejection under 35 USC §103(a) may properly be withdrawn.

SUMMARY

In view of the above remarks, the Applicants request withdrawal of the rejections and favorable reconsideration of the claims.

Dated: July 26, 2004

Respectfully submitted,

By 

Nabeela R. McMillian

Registration No.: 43,363

MARSHALL, GERSTEIN & BORUN LLP

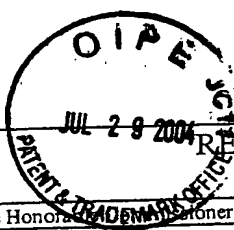
233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant



RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. Department of Commerce Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof:		
1. Name of conveying party(ies): HYSEQ, INC. 670 Almanor Avenue Sunnyvale, CA 94085 <input type="checkbox"/> Individual <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation, State of <u>Nevada</u> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): Name: <u>CALLIDA GENOMICS, INC.</u> Address: <u>670 Almanor Avenue</u> <u>Sunnyvale, CA 94085</u> <input type="checkbox"/> Individual <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation, State of <u>Delaware</u> Additional name(s) of receiving party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name Other: _____ Execution Date: March 5, 2002		
4. Application Number(s) or Patent Number(s): A. Patent Application Number(s): 60/115,284 Title: Enhanced Sequencing by Hybridization Using Informative Pools of Probes Filed: January 06, 1999 Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	B. Patent Number(s): 6,270,961 Title: Method and Apparatus for DNA Sequencing DNA Identification Filed: December 09, 1994 Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning this document should be mailed: Name: <u>Petrina Hsi</u> Reg. No. <u>38,496</u> Address: <u>Hyseq, Inc.</u> <u>670 Almanor Avenue</u> <u>Sunnyvale, CA 94085</u>	6. Total number of applications and patents involved: <u>24</u> 7. Total fee (37 C.F.R. § 3.41)(\$40.00 per assignment): <u>\$960.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account. <input checked="" type="checkbox"/> The Commissioner is authorized to charge underpayment of any fees or credit any overpayment to deposit Account Number 501169. 8. Deposit Account Number: <u>501169</u>	
DO NOT USE THIS SPACE		
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <u>Petrina Hsi, 38,496</u> <u>Petrina Hsi</u> <u>March 5, 2002</u> Name, Registration Number Signature Date Total number of pages including cover sheet, attachments and document: <u>7</u>		
Mail documents to be recorded with required cover sheet information to: BOX ASSIGNMENTS Commissioner of Patents and Trademarks Washington, D.C. 20231		

CONTINUATION TO 4A

SERIAL NUMBER	TITLE	FILING DATE
09/479,608	Enhanced Sequencing by Hybridization Using Pools of Probes	01/16/2000
60/111,961	Improved Polynucleotide Arrays and Methods of Making and Using the Same	12/11/1998
09/251,305	Linear Arrays of Immobilized Compounds and Methods of Using Same	02/17/1999
08/097,173	Method for Screening for Unknown Organisms	07/23/1993
07/576,559	Methods of Sequencing Genomes by Hybridization of Oligonucleotide Probes	08/31/1990
07/175,088	Method of Sequencing of Genomes by Hybridization of Oligonucleotide Probes	03/30/1988
08/892,503	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	07/14/1997
08/912,885	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/15/1997
08/947,779	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	10/09/1997
08/959,365	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	10/28/1997
07/186,053	Nucleic Acid Sequence Determination By Multiple Mixed Nucleotide Probes	04/25/1988
09/083,861	Nucleic Acid Detection Method Employing Oligonucleotide Probes Affixed to Particles and Related Compositions	05/21/1998
09/085,529	Nucleic Acid Detection Method Employing Sandwich Arrays and Related Compositions	05/27/1998
09/277,383	Solution-Based Methods and Materials for Sequence Analysis by Hybridization	03/25/1999
09/536,217	Solution-Based Methods and Materials for Sequence Analysis by Hybridization	03/27/2000
60/111,761	Substrate Holder for Sandwich Array	12/11/1998

CONTINUATION TO 4B

PATENT NUMBER	TITLE	FILING DATE
6,309,824	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	01/16/1997
6,297,006	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	03/04/1997
5,002,867	Nucleic Acid Sequence Determination by Multiple Mixed Oligonucleotide Probes	10/24/1988
6,245,518	Polynucleotide Arrays and Methods of Making and Using the Same	12/06/1999
5,882,930	Reagent Transfer Device	11/10/1997
6,268,210	Sandwich Arrays and Methods of Making and Using the Same	02/17/1999

RECORDATION FORM COVER SHEET

U.S. Department of Commerce
Patent and Trademark Office

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof:

1. Name of conveying party(ies):

HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085

☐ Individual ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation, State of Nevada

Additional name(s) of conveying party(ies) attached?
☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: CALLIDA GENOMICS, INC.
 Address: 670 Almanor Avenue
Sunnyvale, CA 94085

☐ Individual ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation, State of Delaware

Additional name(s) of receiving party(ies) attached?
☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name

Other: _____

Execution Date: March 5, 2002

4. Application Number(s) or Patent Number(s):

A. Patent Application Number(s): 60/115,284

Title: Enhanced Sequencing by Hybridization Using
Informative Pools of Probes

Filed: January 06, 1999

Additional numbers attached? ☒ Yes ☐ No

B. Patent Number(s): 6,270,961

Title: Method and Apparatus for DNA Sequencing DNA
Identification

Filed: December 09, 1994

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Petrina Hsi Reg. No. 38,496
 Address: Hyseq, Inc.
670 Almanor Avenue
Sunnyvale, CA 94085

6. Total number of applications and patents involved: 24

7. Total fee (37 C.F.R. § 3.41)(\$40.00 per assignment): \$960.00

☐ Enclosed
☒ Authorized to be charged to deposit account.
☒ The Commissioner is authorized to charge underpayment
 of any fees or credit any overpayment to deposit Account
 Number 501169.

8. Deposit Account Number: 501169

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy
of the original document.

Petrina Hsi, 38,496
Name, Registration Number

Petrina Hsi
Signature

March 5, 2002
Date

Total number of pages including cover sheet, attachments and document: 7

Mail documents to be recorded with
required cover sheet information to:

BOX ASSIGNMENTS
Commissioner of Patents and Trademarks
Washington, D.C. 20231

CONTINUATION TO 4A

SERIAL NUMBER	TITLE	FILING DATE
09/479,608	Enhanced Sequencing by Hybridization Using Pools of Probes	01/16/2000
60/111,961	Improved Polynucleotide Arrays and Methods of Making and Using the Same	12/11/1998
09/251,305	Linear Arrays of Immobilized Compounds and Methods of Using Same	02/17/1999
08/097,173	Method for Screening for Unknown Organisms	07/23/1993
07/576,559	Methods of Sequencing Genomes by Hybridization of Oligonucleotide Probes	08/31/1990
07/175,088	Method of Sequencing of Genomes by Hybridization of Oligonucleotide Probes	03/30/1988
08/892,503	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	07/14/1997
08/912,885	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/15/1997
08/947,779	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	10/09/1997
08/959,365	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	10/28/1997
07/186,053	Nucleic Acid Sequence Determination By Multiple Mixed Nucleotide Probes	04/25/1988
09/083,861	Nucleic Acid Detection Method Employing Oligonucleotide Probes Affixed to Particles and Related Compositions	05/21/1998
09/085,529	Nucleic Acid Detection Method Employing Sandwich Arrays and Related Compositions	05/27/1998
09/277,383	Solution-Based Methods and Materials for Sequence Analysis by Hybridization	03/25/1999
09/536,217	Solution-Based Methods and Materials for Sequence Analysis by Hybridization	03/27/2000
60/111,761	Substrate Holder for Sandwich Array	12/11/1998

CONTINUATION TO 4B

PATENT NUMBER	TITLE	FILING DATE
6,309,824	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	01/16/1997
6,297,006	Methods and Compositions for Detection or Quantification of Nucleic Acid Species	03/04/1997
5,002,867	Nucleic Acid Sequence Determination by Multiple Mixed Oligonucleotide Probes	10/24/1988
6,245,518	Polynucleotide Arrays and Methods of Making and Using the Same	12/06/1999
5,882,930	Reagent Transfer Device	11/10/1997
6,268,210	Sandwich Arrays and Methods of Making and Using the Same	02/17/1999

ASSIGNMENT

WHEREAS, Hyseq, Inc., ASSIGNOR, a corporation organized and existing under the laws of the State of Nevada, United States of America, and having a place of business at 670 Almanor Avenue, Sunnyvale, California 94085, is the owner of the entire right, title and interest in, and to the United States Letters Patents and Patent Applications set forth in Exhibit A and of the inventions therein described; and

WHEREAS, Callida Genomics, Inc., ASSIGNEE, a corporation organized and existing under the laws of the State of Delaware, United States of America, and having a place of business at 670 Almanor Ave., Sunnyvale, California 94085, is desirous of obtaining the entire right, title and interest in, to and under such patents and such inventions.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to ASSIGNOR in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR, as of October 24, 2001, has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the inventions described in the Letters Patents and Patent Applications set forth in Exhibit A, including the right to sue for past infringement, and the patent and all divisions, renewals and continuations and continuation-in-parts thereof, and all patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which were or may hereafter be filed for the invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from the patent under the patent laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and

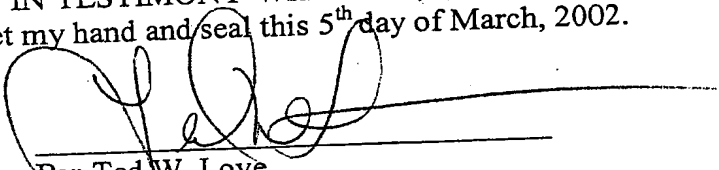
ASSIGNOR HEREBY authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument; and

ASSIGNOR HEREBY covenants and agrees that it has the full right to convey the entire interest herein assigned, and that ASSIGNOR has not executed, and will not execute, any agreement in conflict herewith; and

ASSIGNOR HEREBY further covenants and agrees upon the written request and at the expense ASSIGNEE, its successors, legal representatives and assigns that ASSIGNOR will

communicate to ASSIGNEE, its successors, legal representatives and assigns, any material facts known to ASSIGNOR respecting the invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally to cooperate to the best ability of the undersigned to aid ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the invention in all countries.

IN WITNESS AND IN TESTIMONY WHEREOF, I, as a duly authorized representative of ASSIGNOR, hereunto set my hand and seal this 5th day of March, 2002.


By: Ted W. Love
President and CEO

State of California)
County of Santa Clara) SS.:

On this 5th day of March, 2002, before me, a Notary Public in and for the State and County aforesaid, personally appeared TED LOVE, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.


Notary Public.

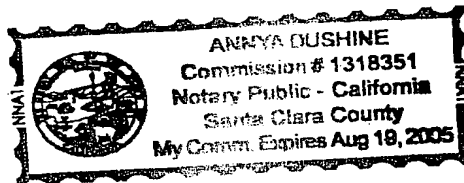


EXHIBIT A

TITLE	SERIAL NUMBER	STATUS
Enhanced Sequencing by Hybridization Using Informative Pools of Probes	60/115,284	Expired
Enhanced Sequencing by Hybridization Using Pools of Probes	09/479,608	
Improved Polynucleotide Arrays and Methods of Making and Using the Same	60/111,961	Expired
Linear Arrays of Immobilized Compounds and Methods of Using Same	09/251,305	
Method and Apparatus for DNA Sequencing DNA Identification	08/353,554	6,270,961
Method for Screening for Unknown Organisms	08/097,173	Abandoned
Methods of Sequencing Genomes by Hybridization of Oligonucleotide Probes	07/576,559	Abandoned
Method of Sequencing of Genomes by Hybridization of Oligonucleotide Probes	07/175,088	Abandoned
Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/784,747	6,309,824
Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/812,951	6,297,006
Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/892,503	
Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/912,885	
Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/947,779	
Methods and Compositions for Detection or Quantification of Nucleic Acid Species	08/959,365	Abandoned
Nucleic Acid Sequence Determination by Multiple Mixed Oligonucleotide Probes	07/261,702	5,002,867 Disclaimed
Nucleic Acid Sequence Determination By Multiple Mixed Nucleotide Probes	07/186,053	Abandoned
Nucleic Acid Detection Method Employing Oligonucleotide Probes Affixed to Particles and Related Compositions	09/083,861	
Nucleic Acid Detection Method Employing Sandwich Arrays and Related Compositions	09/085,529	Abandoned
Polynucleotide Arrays and Methods of Making and Using the Same	09/454,822	6,245,518
Reagent Transfer Device	08/966,893	5,882,930

TITLE	SERIAL NUMBER	STATUS
Sandwich Arrays and Methods of Making and Using the Same	09/251,303	6,268,210
Solution-Based Methods and Materials for Sequence Analysis by Hybridization	09/277,383	Abandoned
Solution-Based Methods and Materials for Sequence Analysis by Hybridization	09/536,217	
Substrate Holder for Sandwich Array	60/111,761	Expired



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 21, 2000

PTAS
MARSHALL, O'TOOLE, GERSTEIN, ET AL
JOSEPH A. WILLIAMS, JR.
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 60606-6402



101332868A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/27/2000

REEL/FRAME: 010716/0409
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DRMANAC, RADOJE

DOC DATE: 01/14/2000

ASSIGNOR:

DRMANAC, SNEZANA

DOC DATE: 01/14/2000

ASSIGNOR:

KITA, DAVID

DOC DATE: 01/24/2000

ASSIGNOR:

COOKE, CORY

DOC DATE: 02/24/2000

ASSIGNOR:

XU, CHONGJUN

DOC DATE: 01/14/2000

ASSIGNEE:

HYSEQ, INC., A NEVADA CORPORATION
670 ALMANOR AVENUE
SUNNYVALE, CALIFORNIA 94086

010716/0409 PAGE 2

SERIAL NUMBER: 09479608
PATENT NUMBER:

FILING DATE: 01/06/2000
ISSUE DATE:

LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

MRO
3-27-00

ginal

101332868

<p>1. Name of party or parties conveying an interest:</p> <p>Radoje Drmanac Snezana Drmanac David Kita Cory Cooke Chongjun Xu</p>	<p>2. Name and address of party or parties receiving an interest:</p> <p>Name: Hyseq, Inc., a Nevada corporation Address: 670 Almanor Avenue City: Sunnyvale State: California Zip: 94086</p>
<p>3. Description of the interest conveyed:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name <input type="checkbox"/> Security Agreement</p> <p>Other: _____</p> <p>Execution Dates: January 14, 2000, January 24, 2000, & February 24, 2000.</p>	
<p>4. Application number(s) or patent number(s). Additional sheet attached? YES _____ NO <input checked="" type="checkbox"/></p> <p>A. Patent application no.(s): 09/479,608 filed January 6, 2000</p>	<p>If the document is being filed together with a new application, the execution date of the application is: _____</p> <p>B. Patent no.(s): _____</p>
<p>5. Name and address of party to whom correspondence concerning this cover sheet should be mailed:</p> <p>Name: Joseph A. Williams, Jr. Reg. No. 38,659 MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN Street Address: 6300 Sears Tower, 233 South Wacker Drive City: Chicago State: Illinois Zip: 60606-6402</p>	<p>6. Number of applications and/or patents identified on this cover sheet: 1</p> <p>7. Amount of fee enclosed or authorized to be charged: \$ 40.00</p> <p>8. Any additional required fee may be charged, or any overpayment credited to our deposit account: 13-2855</p>

9. To the best of my knowledge and belief, the information contained on this cover sheet is true and correct and any copy submitted is a true copy of the original document.

Date: 3-22-00

Joseph A. Williams, Jr.
Reg. No. 38,659

A S S I G N M E N T

Serial No: 09/479,608
Filed: January 6, 2000
Title: ENHANCED SEQUENCING BY HYBRIDIZATION USING POOLS OF PROBES

For \$10.00 (Ten Dollars), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign to Hyseq, Inc., a Nevada corporation, 670 Almanor Avenue, Sunnyvale, California 94086, (hereinafter "assignee"), its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in the above-identified application for Letters Patent of the United States and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension thereof.

The undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned warrants himself to be the owner of the interest herein assigned and to have the right to make this assignment and further warrants that there are no outstanding prior assignments, licenses, or other rights in the interest herein assigned.

For said consideration the undersigned hereby agrees, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation, continuation-in-part and substitute applications for said invention or improvements, and any necessary oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and any and all applications and other documents for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns, may deem necessary or expedient, and for said consideration the undersigned further agrees upon the request of said assignee, its successors or assigns, in the event of any application or Letters Patent assigned herein becoming involved in Interference, to cooperate to the best of the ability of the undersigned with said assignee, its successors or assigns, in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, the undersigned hereby agreeing to perform, upon request, any and all affirmative acts to obtain said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in said assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by said assignee, its successors and assigns, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN, 6300 Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606-6402

WITNESS my hand this 14 day of January, Two Thousand.

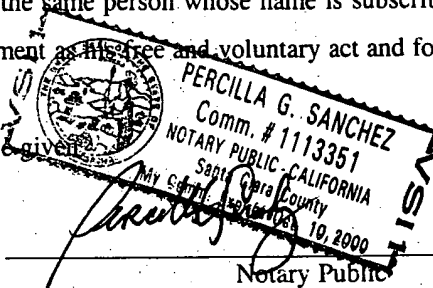
State of California
County of Santa Clara } ss.

Radoje Drmanac
Radoje Drmanac

On this 14th day of Jan., 2000, before me, a Notary Public in and for the County and State aforesaid, appeared Radoje Drmanac, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the same day and year last above given.

My Commission Expires: Oct. 10, 2000



WITNESS my hand this 14 day of January, Two Thousand.

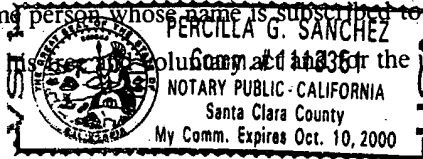
State of California
County of Santa Clara } ss.

Snezana Drmanac
Snezana Drmanac

On this 14th day of Jan., 2000, before me, a Notary Public in and for the County and State aforesaid, appeared Snezana Drmanac, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the same day and year last above given.

My Commission Expires: Oct. 10, 2000



Percilla G. Sanchez
Notary Public

WITNESS my hand this 24th day of January, Two Thousand.

State of California
County of San Mateo } ss.

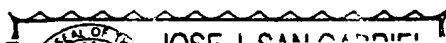
David Kita
David Kita

On this 24th day of January, 2000, before me, a Notary Public in and for the County and State aforesaid, appeared David Kita, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the same day and year last above given.

My Commission Expires: July 28, 2003

Percilla G. Sanchez
Notary Public

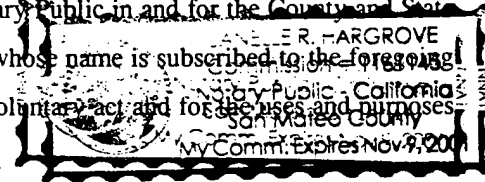
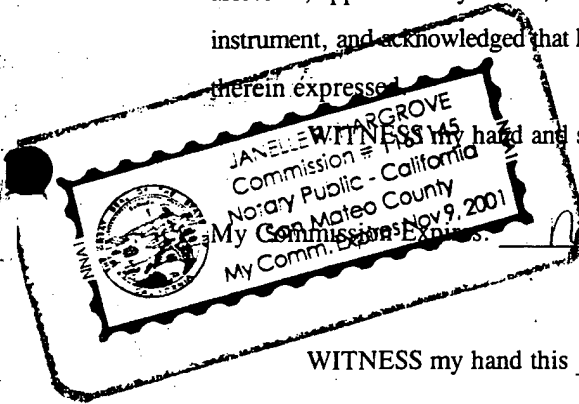


WITNESS my hand this 24th day of February, Two Thousand.

State of California
County of San Mateo } ss.

Cory Cooke
Cory Cooke

On this 24th day of February, 2000, before me, a Notary Public in and for the County and State aforesaid, appeared Cory Cooke, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act and for the uses and purposes therein expressed.



WITNESS my hand and seal the same day and year last above given.

November 9, 2001

Janelle R. Hargrove
Notary Public

WITNESS my hand this 14th day of January, Two Thousand.

State of California
County of Santa Clara } ss.

Chongjun Xu
Chongjun Xu

On this 14th day of Jan., 2000, before me, a Notary Public in and for the County and State aforesaid, appeared Chongjun Xu, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the same day and year last above given.

My Commission Expires: Oct. 10, 2000

Percilla G. Sanchez
Notary Public

